

STATE OF MICHIGAN
COURT OF APPEALS

GREGORY CAMBURN and FRED LEWIS,
Trustee of the FREDERICK LEWIS TRUST,

UNPUBLISHED
May 26, 2005

Plaintiffs-Appellants,

v

MACON TOWNSHIP,

No. 260197
Lenawee Circuit Court
LC No. 04-041619-CE

Defendant-Appellee.

Before: Murphy, P.J., and White and Smolenski, JJ.

WHITE, J. (*concurring*).

I concur on the bases that: 1) the Land Division Act (LDA), MCL 560.101 *et seq.*, contemplates that municipalities or counties may adopt ordinances requiring that parcels resulting from splits allowed under the LDA have an area that exceeds the area that would result from a simple application of MCL 560.108 and MCL 560.109(1)(d) and (5); 2) Ordinance No. 5 clearly states that while contrary Land Division Ordinances are repealed, the applicable Zoning Ordinance shall remain in full force and effect; and 3) as defined in MCL 560.102(j), “[a]ccessible” refers to “existing” roads or streets, and the local ordinance prohibiting private roads is not contradictory on its face.¹

/s/ Helene N. White

¹ Plaintiffs have not raised, and I do not address, other potential challenges to this prohibition.